IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION No. 20722 of 2003

Between:

Vemula Satyanarayana, S/o.Ramachandraiah
R/o.Surapuvarigudem Village Buttaigudem Mandal, W.G.District.

..... PETITIONER

AND

1 The Special Deputy Collector (Tribal Welfare) Kotaramachandrapuram Buttaigudem Mandal, W.G.District
2 The Special Deputy Tahsildar, No.1,Tribal Welfare, K.R.Puram Buttaigudem Mandal, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, writ more particularly one in the nature of writ of Mandamus declaring the proceedings in S.R.No.2/2003 on the file of 1st respondent as illegal arbitrary and without having any jurisdiction and consequentially direct the respondents to drop the proceedings against the petitioner in S.R.2/2003.

Counsel for the Petitioner : Mr.P.R.K.AMERANDRA KUMAR

Counsel for the Respondents : G.P. FOR SOCIAL WELFARE

The Court made the following :

ORDER:

Heard both sides.

The petitioner herein who claims to be owner of land in R.S.No. 297/1 an extent of H/1-08 A of Surapuvarigudem village, Buttaigudem mandal, West Godavari district filed this writ petition, inter alia seeking to declare the proceedings in S.R.No.2/2003 of the first respondent as illegal.

The main grievance of the petitioner is that having regard to the fact that ryotwari patta was already granted by the Director of Settlement after conducting detailed enquiry, the question of initiation of present proceedings is illegal. In support thereof, the petitioner placed reliance on the proceedings of Director of Settlement in AP.No.159/83(G2) dated 16.9.1997 and submits that the impugned notice suffers from want of jurisdiction. He also placed reliance on the judgment of this Court in **N.APPA RAO v. AGENCY DIVISIONAL OFFICER,** wherein this Court held that ones ryotwari patta is granted under Section 7(1) read with Section 9 of Regulation 2 of 1970, the same has become final and the possession cannot be said to be unlawful. Therefore, the question of taking any action under Section 3 of Regulation 1 of A.P. Scheduled Areas Land Transfer Regulation, 1959 is without regulations.

Considering the averments made and on perusal of the record, it can be seen that the impugned proceedings is only a notice calling upon the petitioner to attend the enquiry. The petitioner's claim in view of the principles laid down by this Court in the aforesaid judgment seems to be sustainable, but however, the fact remains that the petitioner should offer an explanation and on such explanation, the respondents shall consider and dispose of the same on merits in accordance with law.

The writ petition is accordingly disposed of permitting the petitioner to file a detailed explanation to the impugned notice within a period of four weeks from today and on receipt thereof, the respondents shall pass appropriate orders on merits in accordance with law after giving due notice and opportunity to the petitioner. It is needless to mention that the interim stay granted earlier by this court in W.P.M.P.No.25938 of 2003 dated 26.9.2003 shall continue until the disposal of the said proceedings. No costs.

August 11, 2004

DA/KVR

To

1 The Special Deputy Collector (Tribal Welfare) Kotaramachandrapuram
Buttaigudem Mandal, W.G.District
2 The Special Deputy Tahsildar, No.1,Tribal Welfare, K.R.Puram
Buttaigudem Mandal, W.G.District.

3 Two CCs to the G.P.for Social Welfare, High Court, Hyderabad.

4 Two CD copies.